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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,149	03/19/1999	KEVIN M. PINTAR	22074661-255	6715

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BAKER & MCKENZIE
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/273,149

Applicant(s)

PINTAR ET AL.

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the RCE filed on 10/14/2003.

This action is made Non-Final.

2. Claims 1-20 are pending in the case. Claims 1, 8, and 15 are independent claims.

Information Disclosure Statement

3. The information disclosure statement filed 2/3/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language (EP 0 764 899 A1 Ahlers et al). It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-6, 8-12, 15-18, and 20 remain rejected under 35 U.S.C. 102(a) as being anticipated by Devanbu (Pat.# 5,826,256, 10/20/98).

7. Regarding independent claim 1, Devanbu discloses the conversion of a dependent source parse tree into a second independent output parse tree by generating optimized translation or conversion routines at runtime -- (c.6, L.1-67, c.5,L.47-54). A program is invoked to get line nos, which is also associated with attributes associated with an input file, from a dependent input parse tree. A specification is input into a translator. The specification details that the independent parse tree is to have nodes, and the nodes have attributes, such as line no, which represent data types, such as an Integer (col. 6, lines 38-50).

Moreover, Devanbu discloses the reception of an input specification description for an input dependent parse tree 311 in a first computer language, and specification of the attributes of a target output parse tree 101 (c.6, L.1-67, abst.).

Furthermore, Devanbu discloses the generation of optimized translation or conversion routines at runtime, and converting the parse tree 311 into independent parse tree 101 -- (c.6, L.1-67, abst.).

Claims 2-6 is directed towards a method for performing the steps of claim 1, and are therefore similarly rejected.

Claims 8-12 are directed towards a method for performing the steps of claims 3, 2, 4, 6, and are therefore similarly rejected.

Claims 15-18, and 20 are directed towards a computer system for implementing the steps found in claims 1-4, and 6 respectively, and are similarly rejected.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13, and 19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Devanbu, in view of KUWAHARA (Pat. # 6,202,072, 3/13/2001, filed on 12/5/1997).

Regarding claim 13, which depends on claim 8, Devanbu discloses the conversion of an input source parse tree into a second output parse tree by generating optimized translation or conversion routines at runtime -- (c.6, L.1-67). Devanbu fails to explicitly disclose *input and output attribute are date type*. KUWAHARA discloses: "The SGML conversion form generation module 101 generates a SGML conversion form file...Three types of information, as shown in Fig. 2, such as a prototype of a plain text document, document type definition...is required for preparation of a SGML conversion form" (Col. 5, lines 25-67, Col. 7, lines 26-67, and Fig. 6). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have combined the teachings of Devanbu, and Kuwahara, because KUWAHARA teaches above, invoking a program for the dynamic conversion of an input prototype document into the SGML document, which has a "date" attribute in output field "b".

Claim 19 is directed towards a computer system for implementing the steps found in claim 13, and therefore is similarly rejected.

10. Claims 7, and 14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Devanbu, in view of Mcallum (Pat. # 5,784,635, 7/21/98).

Regarding claim 7, which depends on claim 1, Devanbu discloses the conversion of an input source parse tree into a second output parse tree by generating optimized translation or conversion routines at runtime -- (c.6, L.1-67). Devanbu fails to explicitly teach *generating program debugging instrumentation*. Mcallum discloses: "This updating process, thus, not only corrects keying errors and standardizes syntax" (Col. 5, lines 35-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to have debugged the routine, because Mcallum teaches above, the generation of cleaning routines for correcting error syntax rules.

Claim 14 is directed towards a computer system for implementing the steps found in claim 7, and is similarly rejected.

Response to Arguments

11. Applicant's arguments filed on 10/14/2003 have been fully considered but they are not persuasive. The Applicants indicate that neither Devanbu nor Kuwahara teach the conversion of data types (p.7,L.10-16). The Examiner disagrees, because upon a closer look at the teachings of Devanbu, it has been discovered that Devanbu discloses the conversion of a dependent source parse tree into a second independent output parse tree by generating optimized translation or conversion routines at runtime -- (c.6, L.1-67, c.5,L.47-54). A program is invoked to get line nos, which is also associated with attributes associated with an input file, from a dependent input parse tree. A specification is input into a translator. The specification details that the independent parse tree is to have nodes, and the nodes have attributes, such as line no, which represent data types, such as an Integer (col. 6, lines 38-50).

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Devanbu, P., "GENOA-A Customizable, Language-and Front-End independent Code Analyzer", ACM, 1992.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:


Director United States Patent and Trademark Office

Washington, D.C. 20231

Or faxed to:

- (703) 703-872-9306, (for **all** Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


STEPHEN S. HONG
PRIMARY EXAMINER

CBP

12/12/03